

## **REMARKS**

Claims 1-14, 19 and 29-40 were examined in the final Office Action mailed June 28, 2005. Claims 1-5, 34 and 40 are rejected over *Blackburn*. Claims 1-5, 8-14 and 19 are rejected over *Knight*. Certain claims were noted as misnumbered. The drawings were objected to for ambiguous references to reference numerals 4 and 12. Claims 36 and 37 were objected as reciting elements not shown in the drawings.

After cancellation above of claims 32, 33, 36, 37 and 39, and amendment of claims 1, 6, 8-10, 12-14, 19, 29, 30, 38 and 40, claims 1-14, 19, 29-31, 34, 35, 38 and 40 are pending. No new matter has been added.

A Response to Final Office Action was filed August 22, 2005 in which certain claims were amended. In an Advisory Action mailed 21 September 2005, the amendments were not entered, although some rejections were overcome, new art was noted.

Reconsideration of the new grounds of rejection over *Blackburn*, *McDonald* and *Herzer* is respectfully requested in view of the above amendments and remarks which follow.

A. Claim Objections Addressed.

Misnumbered claims 28-39 have been renumbered 29-40 above, thereby addressing the claim objection. Claim 13 has been amended to recite "member" instead of "members." Claim 19 has been amended to include "one" after "at least". Withdrawal of the claim objections is respectfully requested.

B. Drawing and Specification Objections Addressed.

Renumbered claims 36 and 37 have been cancelled. The specification has been amended to address the two uses of reference numeral 4. Reference is now made to "shaft axis 4" instead of "axial bore 4", consistent with the drawings. Reference is also made to "vertical median portion 12", and the reference to "12a" has been deleted. By correcting the specification as described above, the formal drawings filed April 5, 2005, are not believed to require further amendment. Thus, entry of the previously submitted formal

drawings and withdrawal of the drawing and specification objections is respectfully requested.

C. § 112, 1<sup>st</sup> Paragraph Rejections Addressed.

Claim 6—the rejection is respectfully traversed. Claim 6 as amended recites that the intermediate connecting member has one end which “extends from the shaft and the other extending from the table engaging member, and the respective transverse cross members are joined by a longitudinally extending median portion which extends parallel to the shaft axis but spaced apart therefrom.” FIGS. 8 and 9 show one embodiment of such a configuration.

Claim 7—the rejection is addressed by the amendment to claim 6.

Claim 8 has been amended to depend from claim 1. FIG.7 shows an embodiment of the claimed adjustable mounting.

Claim 9—the amendment to claim 6, which addresses the § 112 issues of claim 29, and thereby addresses the § 112 issues of claim 30, thereby addresses the § 112 issues of claim 9.

Claim 10—the amendment to claim 6, which addresses the § 112 issues of claim 29, and thereby addresses the § 112 issues of claim 30, thereby addresses the § 112 issues of claim 10.

Claim 12 has been amended to depend from claim 1. Multiple FIGS. show the claimed cruciform structure.

Claim 13—the rejection is addressed by the amendment to claim 12 from which claim 13 depends.

Claim 14—the rejection is address by amendment to depend from claim 1.

Claims 29-33—the rejection of these claims is addressed by the amendment to claim 6.

Claim 35—the rejection is addressed by the amendment to claim 8.

Claim 38 has been amended, deleting the phrase “or is provided with articulated joints”. The specification has been amended at page 13, line 6, to include the phrase “the intermediate connecting member is bendable.” No new matter is added thereby, as this specification amendment merely conforms the specification to the subject matter claimed originally. No

conforming drawing amendment is required, as the choice of material to include bendable material is not a feature required to be shown in the figures.

Claim 39 has been cancelled, with claim 1 being sufficiently broad to cover the intermediate connecting member attachment of cancelled claim 39.

D. § 102(b) Rejection of Claims 1-5, 34 and 40 over *Blackburn* Addressed.

Claim 1 has been amended to clarify the shape of the shaft axis and the location of the obstruction avoided by the claimed cue rest. Claim 1 now recites

A cue rest comprising an elongated shaft defining a central longitudinally extending shaft axis, a table engaging member, and a single intermediate connecting member connecting the table engaging member with the shaft, the intermediate connecting member being shaped for avoiding an obstruction on the table located substantially along the shaft axis between the table engaging means and the elongated shaft by being offset from the shaft axis between a location where the table engaging means is to engage the table and a location where the intermediate connecting means connects to the elongated shaft.

No new matter is added thereby.

This amendment patentably distinguishes claim 1 (and also dependent claims 2-5 and 34) over *Blackburn*, even assuming that *Blackburn's* "arms 4" constitute an "intermediate connecting member". As an initial matter, if one assumes "arms 4" constitute "intermediate connecting members", the plurality of the pair of arms 4 teaches directly away from the "single" intermediate connecting member" now recited in amended claim 1.

Moreover, "arms 4" are not shaped for avoiding obstructions "between a location where the table engaging member is to engage the table and a location where the intermediate connecting member connects to the elongated shaft." Theoretically speaking, if one were to spread "arms 4" sufficient to avoid an obstruction, then the "arms 4" would separate such that the opposing pair of "arms 4" would not support a cue, and the cue would fall therebetween. Thus, *Blackburn* cannot be said to be "shaped for avoiding an obstruction between the table engaging means and the elongated shaft" because when it is configured so as to avoid an obstruction, it cannot function as a cue rest.

Independent claim 40 is similarly amended, now clarifying that an “intermediate connecting means having a curved portion offset from the central longitudinally extending axis”. The obstruction location is also clarified by amendment. *Blackburn* does not teach “a curved portion” or the ability to avoid an obstructions as recited in claim 4.

Claims 1-5, 34 and 40 being patentably distinguishable over *Blackburn*, withdrawal of the 102(b) rejection of claims 1-5 over *Blackburn* is thus proper and respectfully requested.

E. § 102(b) Rejection of Claims 1 and 40 over *McDonald* Addressed.

The amendments to claim 1 discussed above also distinguish claim 1 (and also its dependent claims) over *McDonald*. *McDonald* teaches a pair of intermediate connecting members, which amended claim 1 recites a “single” intermediate connecting member.

Independent claim 40’s “intermediate connecting means having a curved portion offset from the central longitudinally extending axis” is clearly distinguishing over *McDonald*’s triangular shaped pair of arms.

Thus, independent claims 1 and 40, and each of the claims depending therefrom, are patentably distinguishing over *McDonald*. Withdrawal of the rejection over *Knight* is proper and respectfully requested.

F. § 102(b) Rejection of Claim 1 over *Herzer* Addressed.

The amendments to claim 1 discussed above also distinguish claim 1 (and also its dependent claims) over *Herzer*.

Most significantly, the single intermediate connecting member is

. . . . shaped for avoiding an obstruction on the table located substantially along the shaft axis between the table engaging means and the elongated shaft by being offset from the shaft axis between a location where the table engaging means is to engage the table and a location where the intermediate connecting means connects to the elongated shaft.

The intermediate connecting member of *Herzer* is clearly not designed for avoiding obstructions—because it is not a cue rest but rather a shuffleboard cue used to push shuffleboard disks from a starting position clear of other disks towards a far end of the shuffleboard court. Generally speaking, there

are no obstructions "on the table located substantially along the shaft axis" in shuffleboard, and so the *Herzer* cue cannot be said to teach or suggest the cue rest of amended claim 1 which is shaped for avoiding obstructions.

In addition, *Herzer* teaches a pair of opposing intermediate connecting members, while amended claim 1 recites a "single" intermediate connecting member". Thus, independent claim 1 and its dependent claims are patentably distinguishable over *Herzer*. Withdrawal of the rejection over *Herzer* is proper and respectfully requested.

G. Petition for 1-Month Extension and Conclusion

The undersigned hereby petitions for a 1-month extension of time in which to respond to the Final Office Action, mailed June 28, 2005, from September 28, 2005 to October 28, 2005. Please charge Deposit Account 50-1123 the \$60.00 small entity fee and any fee deficiency associated with this filing.

The objections of the Final Office Action and the Rejections in the Advisory Action having the application is believed to be in form for allowance. The Examiner is kindly asked to contact the undersigned at the phone number listed below, should any issues remain.

Respectfully submitted,

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